



Tuesday
November 28, 1995

Part LIX

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420; Sub-No. 29]

Semiannual Regulatory Flexibility Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Interstate Commerce Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 et seq. (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the Federal Register a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or in which it may institute such proceedings in the near future. The list also contains

information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Commission's best estimate of rules which will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1995 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget (OMB) pursuant to Executive Order 12866. Notwithstanding any limitations on executive branch control over our authority to conduct rulemakings, the Commission is participating in the program voluntarily to assist OMB.

Decided: September 11, 1995.
By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.
Vernon A. Williams,
Secretary.

INTERSTATE COMMERCE COMMISSION (ICC)

Prerule Stage

4687. • PETITION FOR RULEMAKING—INVOICELESS BILLING TRANSACTIONS, EX PARTE NO. 55 (SUB-NO. 95)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 10321; 49 USC 11144; 5 USC 553

CFR Citation: 49 CFR 1051; 49 CFR 1220

Legal Deadline: None

Abstract: The Commission is examining whether restrictions against

invoiceless bills between shippers and carriers should be removed or modified. In this context, invoiceless billing means a system in which payments are made with no paper or electronic freight bill being issued by the carrier.

Timetable:

Action	Date	FR Cite
ANPRM	08/09/95	60 FR 40548
ANPRM Comment Period End	10/10/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Beryl Gordon, Deputy Director, Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423
Phone: 202 927-5610
TDD: 202 927-5721
Fax: 202 927-6419
RIN: 3120-AC03

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

4688. RATE GUIDELINES—NONCOAL PROCEEDINGS, EX PARTE NO. 347 (SUB-NO. 2)**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553**CFR Citation:** None**Legal Deadline:** None**Abstract:** Proposal to adopt maximum rate reasonableness guidelines for captive noncoal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.**Timetable:**

Action	Date	FR Cite
Notice of Proposed Policy Statement	05/22/86	51 FR 18811
Notice of Intent To Participate Due	06/02/86	
Comments Due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
NPRM	10/00/95	
NPRM Comment Period End	12/00/95	

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined**Agency Contact:** Ellen D. Hanson, Deputy General Counsel, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423
Phone: 202 927-7312
RIN: 3120-AB41**4689. • EX PARTE NO. 55 (SUB-NO. 96), PASSENGER OPERATIONS BY MEXICAN MOTOR CARRIERS—IMPLEMENTATION OF NORTH AMERICAN FREE TRADE AGREEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10922; 49 USC 10923; 49 USC 10927**CFR Citation:** 49 CFR 1043.1; 49 CFR 1160.1(h); 49 CFR 1160.3(a); 49 CFR 1160.4; 49 CFR 1160.5(a)(6)**Legal Deadline:** Final, Statutory, December 18, 1995.**Abstract:** Effective December 18, 1995 the Commission will accept and process applications filed by Mexican

property carriers for operating authority to provide service across the United States-Mexico international boundary line to and from points in Arizona, California, New Mexico, and Texas. The purpose of this proceeding is to announce implementation of the provisions of the second phase of the North American Free Trade Agreement (NAFTA) relating to land transportation and to promulgate rules and develop the application form required to carry out the implementation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	10/00/95	
Final Action	12/18/95	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Stanley M. Braverman, Chief, Litigation and Investigations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423
Phone: 202 927-5540**RIN:** 3120-AC04

INTERSTATE COMMERCE COMMISSION (ICC)

Long-Term Actions

4690. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462**Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1033**Timetable:**

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
NPRM	04/22/92	57 FR 14689
Extension of Public Comment Period to 07/21/92	05/13/92	57 FR 20442
NPRM Comment Period End	05/22/92	57 FR 14689
Extension of Public Comment Period to 09/21/92	07/27/92	57 FR 33166

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar
Phone: 202 927-5660**RIN:** 3120-AB35**4691. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)****Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1150**Timetable:**

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
NPRM	09/16/92	57 FR 42733
NPRM Comment Period End	10/16/92	57 FR 42733
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar
Phone: 202 927-5660**RIN:** 3120-AB43**4692. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, EX PARTE NO. 282 (SUB-NO. 15)****Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1180**Timetable:**

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31165
NPRM Comment Period End	08/30/92	57 FR 31165
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar
Phone: 202 927-5660**RIN:** 3120-AB77

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Long-Term Actions

4693. REVISION OF TARIFF REGULATIONS—INDEXES, EX PARTE NO. MC-211**Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1312**Timetable:**

Action	Date	FR Cite
ANPRM	01/05/93	58 FR 3529
ANPRM Comment Period End	03/08/93	58 FR 3529
NPRM	08/05/93	58 FR 42277
NPRM Comment Period End	09/08/93	58 FR 42277
Next Action Undetermined		

Small Entities Affected: Undetermined**Government Levels Affected:** None**Agency Contact:** Lawrence C. Herzig
Phone: 202 927-5160**RIN:** 3120-AB83**4694. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF PAINTS, ENAMELS, LACQUERS, SHELLACS, ETC., EX PARTE NO. 346 (SUB-NO. 33)****Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1039**Timetable:**

Action	Date	FR Cite
NPRM	10/21/93	58 FR 54318
NPRM Comment Period End	11/22/93	58 FR 54318
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar
Phone: 202 927-5660**RIN:** 3120-AB95**4695. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF NON-FERROUS RECYCLABLES AND RAILROAD RATES ON RECYCLABLE COMMODITIES, EX PARTE NO. 346 (SUB-NO. 36)****Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1039; 49 CFR 1145**Timetable:**

Action	Date	FR Cite
NPRM	08/24/94	59 FR 43529
Comment Period Extended to 10/24/94	09/15/94	59 FR 47292
NPRM Comment Period End	09/23/94	59 FR 43529
Comment Period Extended to 11/07/94	10/26/94	59 FR 53775
Internal Review of Comments	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Beryl Gordon
Phone: 202 927-5610**RIN:** 3120-AC01

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

4696. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF HYDRAULIC CEMENT, EX PARTE NO. 346 (SUB-NO. 34)**Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1039**Completed:**

Reason	Date	FR Cite
Final Action	07/26/95	60 FR 38280
Final Action Effective	08/25/95	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph H. Dettmar
Phone: 202 927-5660**RIN:** 3120-AB96**Completed:**

Reason	Date	FR Cite
Final Action	01/10/95	60 FR 2543
Final Action Effective	02/10/95	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Lawrence R. Herzig
Phone: 202 927-5180**RIN:** 3120-AB98**Agency Contact:** Beryl Gordon
Phone: 202 927-5610**RIN:** 3120-AC00**4699. ELECTRONIC FILING OF SURETY BOND TRUST FUND AGREEMENTS, INSURANCE CERTIFICATES AND CANCELLATIONS, EX PARTE NO. MC-223****Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1043; 49 CFR 1084**Completed:**

Reason	Date	FR Cite
Final Action	03/31/95	60 FR 16808
Final Action Effective	05/03/95	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Patricia A. Burke
Phone: 202 927-5520**RIN:** 3120-AC02

[FR Doc. 95-24144 Filed 11-24-95; 8:45 am]

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4697. IMPLEMENTATION OF SECTION 4 OF THE NEGOTIATED RATES ACT, EX PARTE NO. MC-219**Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1002; 49 CFR 1011; 49 CFR 1130**4698. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF FERROUS RECYCLABLES, EX PARTE NO. 346 (SUB-NO. 35)****Priority:** Substantive, Nonsignificant**CFR Citation:** 49 CFR 1039**Completed:**

Reason	Date	FR Cite
Final Action - Rule being reconsidered	05/19/95	60 FR 26839
Final Action Effective	06/19/95	

Small Entities Affected: None**Government Levels Affected:** None